IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19233 of 2004

Between:

B.Y. Goud, S/o. Narsaiah,
R/o. Habsipur village, Dubbaka Mandal, Medak District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Dubbaka Depot, Dubbaka, Medak District.
2 The Depot Manager,APSRTC, Dubbaka Depot, Dubbaka, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the suspension order No.M1/138(1)/04-DBK dt. 1.10.2004 as illegal, selective and discriminatory and consequently set aside the same.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

THE HON'BLE SRI JUSTICE K.C.BHANU

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WRIT PETITION NO.19233 OF 2004

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ORDER:

The petitioner was placed under suspension by an order dated 01-10-2004 for the alleged incident that took place on 19-03-2004. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner contended that immediately after the incident, the petitioner was not placed under suspension, because the disciplinary authority thought fit that it was not so serious matter so as to place an employee under suspension. But, erroneously after a lapse of 6 ½ months the petitioner was placed under suspension.

On the other hand the learned Standing Counsel appearing for the respondents contended that since the matter was placed before the disciplinary authority, the disciplinary authority thought fit that it is a serious matter and therefore the petitioner was placed under suspension. The suspension order does not call for any interference by this Court, since the same is suspension pending enquiry.

It is contended on behalf of the petitioner that the security guard and drivers of Dubbaka Depot were assaulted by one Yezdani on 19-03-2004, but it came to light that the present writ petitioner behaved with indecent manner and abused and assaulted one Yezdani in the presence of mechanical staff on duty. It is alleged that the incident took place on 19-03-2004, whereas disciplinary authority passed the impugned proceedings on 01-10-2004. If the allegations against the writ petitioner are serious in nature, then there would not have any bar for the disciplinary authority to take action including the suspension of the employee immediately. But, after lapse of about six months the impugned proceedings have been passed. As seen from the impugned proceedings it is seen that it is not a case where the material has been placed before the disciplinary authority for the alleged incident. Therefore, for the self-same incident that took place on 19-03-2004, the impugned proceedings

have been passed. So, the impugned proceedings suffer from legal infirmities, such as it does not contain any reasons for suspending the employee after the lapse of six months from the date of the alleged incident.

Having regard to the above aspects, the Writ Petition is allowed and the impugned suspension orders are set aside. However, the respondents are at liberty to proceed with the departmental enquiry. No costs.

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K.C.BHANU, J.

Dated 31-12-2004.

SKMR

To

1 The Regional Manager, APSRTC, Dubbaka Depot, Dubbaka, Medak District.
2 The Depot Manager, APSRTC, Dubbaka Depot, Dubbaka, Medak District.

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